

## PATENT APPLICATION

OUR DOCKET NO. 20000427.ORI

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re App : Andrew P. Kramer et al : March 1, 2004  
S. No. : 09/964,972 : Group Art Unit 3762  
Filed : September 27, 2001 : Examiner G. R. Evanisko  
Title : TRENDING OF CONDUCTION : Paper No. 4  
TIME FOR OPTIMIZATION OF  
CARDIAC RESYNCHRONIZATION  
THERAPY IN CARDIAC RHYTHM

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RESPONSE UNDER 37 C.F.R. 1.111

AUG 16 2004

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COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This paper is submitted in response to an Office Action dated February 11, 2004. That Action was in the form of an Election/Restriction Requirement which carried a shortened-statutory period for response of one month so that a reply is due by March 11, 2004.

The Office Action requires an election between two claimed embodiments, as follows:

1. An embodiment represented by the trending being constructed from a template;

2. An embodiment represented by the trending being constructed from a best fit curve from scatter data.

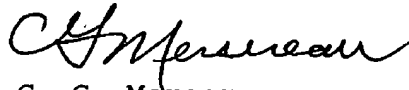
In response to the requirement, applicants elect species 1 in which the trending is constructed from a template. The selection is made without traverse.

Applicants believe that claims 1-8 and 13-53 read on the elected embodiment.

A complete current listing of the claims is attached:

Respectfully submitted,


NIKOLAI & MERSEREAU, P.A.



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## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing Response to the Official Action of February 11, 2004, in application Serial No. 09/964,972 of applicant, Andrew P. Kramer et al, filed September 27, 2001, for "TRENDING OF CONDUCTION TIME FOR OPTIMIZATION OF CARDIAC RESYNCHRONIZATION THERAPY IN CARDIAC RHYTHM", and a transmittal letter are being sent by facsimile transmission to: The Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 1, 2004.

  
Barbara L. Davis  
on behalf of C. G. Mersereau  
Attorney for Applicant

Date of Signature: March 1, 2004